

# HB3347



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3347

by Rep. William Davis

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-13.01

from Ch. 122, par. 14-13.01

Amends the Children With Disabilities Article of the Education Code.  
Makes a technical change in the Section concerning reimbursement payable by  
the State.

LRB099 09407 SXM 29614 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 14-13.01 as follows:

6 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

7 Sec. 14-13.01. Reimbursement payable by State; amounts for  
8 personnel and transportation.

9 (a) For staff working on behalf of children who have not  
10 been identified as eligible for special education and ~~and~~ for  
11 eligible children with physical disabilities, including all  
12 eligible children whose placement has been determined under  
13 Section 14-8.02 in hospital or home instruction, 1/2 of the  
14 teacher's salary but not more than \$1,000 annually per child or  
15 \$9,000 per teacher, whichever is less. A child qualifies for  
16 home or hospital instruction if it is anticipated that, due to  
17 a medical condition, the child will be unable to attend school,  
18 and instead must be instructed at home or in the hospital, for  
19 a period of 2 or more consecutive weeks or on an ongoing  
20 intermittent basis. For purposes of this Section, "ongoing  
21 intermittent basis" means that the child's medical condition is  
22 of such a nature or severity that it is anticipated that the  
23 child will be absent from school due to the medical condition

1 for periods of at least 2 days at a time multiple times during  
2 the school year totaling at least 10 days or more of absences.  
3 There shall be no requirement that a child be absent from  
4 school a minimum number of days before the child qualifies for  
5 home or hospital instruction. In order to establish eligibility  
6 for home or hospital services, a student's parent or guardian  
7 must submit to the child's school district of residence a  
8 written statement from a physician licensed to practice  
9 medicine in all of its branches stating the existence of such  
10 medical condition, the impact on the child's ability to  
11 participate in education, and the anticipated duration or  
12 nature of the child's absence from school. Home or hospital  
13 instruction may commence upon receipt of a written physician's  
14 statement in accordance with this Section, but instruction  
15 shall commence not later than 5 school days after the school  
16 district receives the physician's statement. Special education  
17 and related services required by the child's IEP or services  
18 and accommodations required by the child's federal Section 504  
19 plan must be implemented as part of the child's home or  
20 hospital instruction, unless the IEP team or federal Section  
21 504 plan team determines that modifications are necessary  
22 during the home or hospital instruction due to the child's  
23 condition. Eligible children to be included in any  
24 reimbursement under this paragraph must regularly receive a  
25 minimum of one hour of instruction each school day, or in lieu  
26 thereof of a minimum of 5 hours of instruction in each school

1 week in order to qualify for full reimbursement under this  
2 Section. If the attending physician for such a child has  
3 certified that the child should not receive as many as 5 hours  
4 of instruction in a school week, however, reimbursement under  
5 this paragraph on account of that child shall be computed  
6 proportionate to the actual hours of instruction per week for  
7 that child divided by 5. The State Board of Education shall  
8 establish rules governing the required qualifications of staff  
9 providing home or hospital instruction.

10 (b) For children described in Section 14-1.02, 80% of the  
11 cost of transportation approved as a related service in the  
12 Individualized Education Program for each student in order to  
13 take advantage of special educational facilities.  
14 Transportation costs shall be determined in the same fashion as  
15 provided in Section 29-5. For purposes of this subsection (b),  
16 the dates for processing claims specified in Section 29-5 shall  
17 apply.

18 (c) For each qualified worker, the annual sum of \$9,000.

19 (d) For one full time qualified director of the special  
20 education program of each school district which maintains a  
21 fully approved program of special education the annual sum of  
22 \$9,000. Districts participating in a joint agreement special  
23 education program shall not receive such reimbursement if  
24 reimbursement is made for a director of the joint agreement  
25 program.

26 (e) (Blank).

1 (f) (Blank).

2 (g) For readers, working with blind or partially seeing  
3 children 1/2 of their salary but not more than \$400 annually  
4 per child. Readers may be employed to assist such children and  
5 shall not be required to be certified but prior to employment  
6 shall meet standards set up by the State Board of Education.

7 (h) For non-certified employees, as defined by rules  
8 promulgated by the State Board of Education, who deliver  
9 services to students with IEPs, 1/2 of the salary paid or  
10 \$3,500 per employee, whichever is less.

11 The State Board of Education shall set standards and  
12 prescribe rules for determining the allocation of  
13 reimbursement under this section on less than a full time basis  
14 and for less than a school year.

15 When any school district eligible for reimbursement under  
16 this Section operates a school or program approved by the State  
17 Superintendent of Education for a number of days in excess of  
18 the adopted school calendar but not to exceed 235 school days,  
19 such reimbursement shall be increased by 1/180 of the amount or  
20 rate paid hereunder for each day such school is operated in  
21 excess of 180 days per calendar year.

22 Notwithstanding any other provision of law, any school  
23 district receiving a payment under this Section or under  
24 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
25 all or a portion of the funds that it receives in a particular  
26 fiscal year or from general State aid pursuant to Section

1 18-8.05 of this Code as funds received in connection with any  
2 funding program for which it is entitled to receive funds from  
3 the State in that fiscal year (including, without limitation,  
4 any funding program referenced in this Section), regardless of  
5 the source or timing of the receipt. The district may not  
6 classify more funds as funds received in connection with the  
7 funding program than the district is entitled to receive in  
8 that fiscal year for that program. Any classification by a  
9 district must be made by a resolution of its board of  
10 education. The resolution must identify the amount of any  
11 payments or general State aid to be classified under this  
12 paragraph and must specify the funding program to which the  
13 funds are to be treated as received in connection therewith.  
14 This resolution is controlling as to the classification of  
15 funds referenced therein. A certified copy of the resolution  
16 must be sent to the State Superintendent of Education. The  
17 resolution shall still take effect even though a copy of the  
18 resolution has not been sent to the State Superintendent of  
19 Education in a timely manner. No classification under this  
20 paragraph by a district shall affect the total amount or timing  
21 of money the district is entitled to receive under this Code.  
22 No classification under this paragraph by a district shall in  
23 any way relieve the district from or affect any requirements  
24 that otherwise would apply with respect to that funding  
25 program, including any accounting of funds by source, reporting  
26 expenditures by original source and purpose, reporting

1 requirements, or requirements of providing services.

2 (Source: P.A. 96-257, eff. 8-11-09; 97-123, eff. 7-14-11.)